

OGC 69-0432
OLC 69-0200

10 March 1969

MEMORANDUM FOR THE RECORD

SUBJECT: Ervin Bill - S. 782

1. Mr. Maury and I met with John W. Dean, Associate Deputy Attorney General for Legislation; J. Walter Yeagley, Assistant Attorney General, Internal Security Division; and Kevin T. Maroney, Chief, Appeals and Research Section, Internal Security Division, to discuss S. 782.

2. We told the Justice officials of our talks with Senator Ervin, our offer to testify in executive session, and his rebuff proposing an open hearing. We also gave what information we had as to the attitude of different members of the Congress, and briefed them on our contacts in the Executive Branch, particularly with Ken Belieu. They agreed that the bill was basically a bad one, and from our point of view the worst part was the access by employees or applicants to the Federal courts. Mr. Dean mentioned a memorandum he had seen from the Federal Bureau of Investigation to the Deputy Attorney General strongly criticizing the bill's predecessor, S. 1035, but mentioned that Mr. Woxencraft's subsequent testimony was somewhat watered down.

3. Mr. Dean said he would mention our briefing to Mr. Belieu when he sees him this evening.

s/
LAWRENCE R. HOUSTON
General Counsel

cc: Executive Director
DDS
✓ Legislative Counsel

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**CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505**

10 March 1969

PERSONAL-CONFIDENTIAL

Mr. Kenneth E. Belieu
Deputy Assistant to the President
for Congressional Relations
The White House
Washington, D. C.

Dear Ken:

Re: Ervin Bill, S. 782

Enclosed are copies of the Director's 28 February 1969 request to appear before an executive session of Senator Ervin's Subcommittee, and Senator Ervin's response of 4 March 1969 inviting us to appear at an open hearing. Also enclosed is a copy of Senator Ervin's letter to the Director of 5 March 1969 referring to CIA's "totalitarian powers" and inviting us to present drafts of any proposed amendments to the bill which we deem essential.

To bring you up-to-date on developments regarding this problem:

On 26 February I reviewed the matter at length with Representative David N. Henderson who reaffirmed his concern and support. He still believes the best solution is a complete exemption for CIA, NSA and FBI, but says he has to work discreetly in order to avoid a head-on clash with Ervin. Henderson said that, during the last session, Mr. Hoover told him privately the bill did not seriously affect the FBI, but it would undoubtedly cause grave problems for other security agencies. Henderson said he will try to get Hoover to make such a statement publicly but is not optimistic.

Among Executive agencies, Bob Hampton and Tony Modello, of the Civil Service Commission, apparently are very much for us, and Roger Jones, of the Bureau of the Budget, is well up on the problem and says we should assume we have carte blanche from the Bureau to continue our work against the bill.

Frank A. Bartimo, Assistant General Counsel (Manpower), Department of Defense, will probably get the action on the letter to Secretary Laird. He testified against S. 1035 last year and naturally feels just as strongly about S. 782. He feels, however, that someone should get Jack Stempler off the dime.

On 10 March Larry Houston and I explained our problem to Walter Yeagley, John Dean and Kevin Maroney in Justice. They agree the bill is basically bad, and feel that the worst aspect from the standpoint of this Agency is the provision giving aggrieved employees and applicants access to Federal courts. Dean mentioned having seen a memo from the FBI to the Deputy Attorney General strongly criticizing the predecessor bill, S. 1035.

PS/

John M. Maury
Legislative Counsel

Enclosures

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Legislative Counsel

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